



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Response Transmittal

Applicant: Marshall  
Serial: 10/698,298  
Filed: 10/31/03

Docket No.: BIRD.1134  
Group Art Unit: 3643  
Examiner: Price, Richard Thomas Jr.

TITLE: APPARATUS AND METHOD FOR ROTATING AVIAN ENCLOSURES

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is a Request for Reconsideration in the above-identified Application.

☒ No additional Fee is Due.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0371.

☒ Any additional filing fees required under 37 C.F.R. §1.16.

☒ Any patent application processing fees under 37 C.F.R. §1.17.

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Respectfully submitted,

By Derek P. Martin  
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I HEREBY CERTIFY THAT, ON THE DATE SHOWN BELOW, THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ARLINGTON, VA 22313-1450

DATE: February 4, 2005

SIGNED: Derek P. Martin



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
***REQUEST FOR RECONSIDERATION***

Applicant:	Marshall	Docket No.:	BIRD.1134
Serial No.:	10/698,298	Group Art Unit:	3643
Filed:	10/31/03	Examiner:	Price, Richard Thomas Jr.
TITLE:	APPARATUS AND METHOD FOR ROTATING AVIAN ENCLOSURES		

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the office action dated 11/04/04, applicant hereby requests reconsideration of the examiner's rejection of and objection to the pending claims.

**STATUS OF THE CLAIMS**

Claims 1-67 were originally filed in this continuation-in-part patent application. In response to a first restriction requirement dated 04/06/04, applicant filed an Election of Claims and Amendment on 04/26/04 that cancelled claims 36-67. In response to a second restriction requirement dated 07/14/04, applicant filed an Election of Claims and Amendment on 08/03/04 that cancelled claims 7-35. In the pending office action, the examiner rejected claims 1 and 3-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,275,686 to MacGillivray. The examiner objected to claim 2 as being dependent upon a rejected base claim, but stated claim 2 would be allowable if properly rewritten in independent form. No claim was allowed. Claims 1-6 as originally filed are currently pending.